

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

5

Rivera

-v-

Killian

U.S.C.A. #

U.S.D.C. #

08-cv-0405

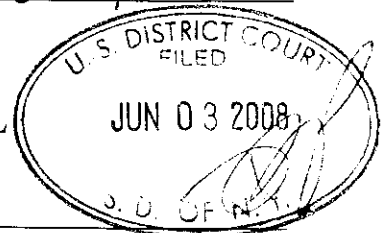
JUDGE:

DC

DATE:

June 3, 2008

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
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NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 3RD Day of June, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

 Rivera
 -v-
 Killian

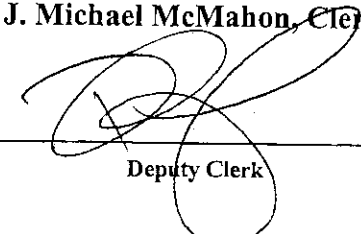
U.S.C.A. # _____
U.S.D.C. # 08-cv-0405
JUDGE: DC
DATE: June 3, 2008

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered _____ Through _____, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 3RD Day of June In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk
By  _____
Deputy Clerk

APPEAL, CLOSED, HABEAS, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-00405-DC
Internal Use Only

Rivera v. Killian
Assigned to: Judge Denny Chin
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 01/16/2008
Date Terminated: 05/09/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Date Filed	#	Docket Text
01/16/2008	<u>1</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2241. (Filing Fee \$ 5.00). Document filed by Estor Luis Rivera.(rdz) (Entered: 01/17/2008)
01/16/2008		Magistrate Judge Frank Mass is so designated. (rdz) (Entered: 01/17/2008)
05/08/2008	<u>2</u>	MEMORANDUM DECISION; Rivera's claims are denied and the petition for a writ of habeas corpus is dismissed. Because petitioner has not made a substantial showing of a denial of a constitutional right, I decline to issue a certificate of appealability. I certify pursuant to 28 U.S.C. section 1915(a)(3) that any appeal taken from this decision would not be in good faith. The Clerk of the Court is directed to enter judgment accordingly and to close this case. (Signed by Judge Denny Chin on 5/8/08) (ae) Modified on 5/14/2008 (ae). (Entered: 05/08/2008)
05/08/2008		Transmission to Judgments and Orders Clerk. Transmitted re: <u>2</u> Order, to the Judgments and Orders Clerk. (ae) (Entered: 05/08/2008)
05/09/2008	<u>3</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Memorandum Decision dated May 8, 2008, Rivera's claims are denied and the petition for a writ of habeas corpus is dismissed; accordingly, the case closed; the Court finds that because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue; the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Memorandum Decision dated May 8, 2008 would not be taken in good faith. (Signed by J. Michael McMahon, clerk on 5/9/08) (Attachments: # <u>1</u> NOTICE OF RIGHT TO APPEAL)(ml) (Entered: 05/09/2008)
05/30/2008	<u>4</u>	NOTICE OF APPEAL from <u>3</u> Clerk's Judgment. Document filed by Estor Luis Rivera. (tp) (Entered: 06/03/2008)
05/30/2008		Appeal Remark as to <u>4</u> Notice of Appeal filed by Estor Luis Rivera. \$455.00 APPEAL FEE DUE. IFP REVOKED 5/8/08. COA DENIED 5/8/08. (tp) (Entered: 06/03/2008)
06/03/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>4</u> Notice of Appeal. (tp) (Entered: 06/03/2008)
06/03/2008		Transmission of Notice of Appeal to the District Judge re: <u>4</u> Notice of Appeal. (tp) (Entered: 06/03/2008)